GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3900
ANSWERED ON:08.08.2002
STAYORDERS ON GOVERNMENT NOTIFICATION ORDER
DAHYA BHAI V. PATEL

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the issue of Stay orders by the Courts on Government Notification/Order to bestow undue benefits on individuals of cartels is a highly vulnerable area and despite the guidelines issued to the High Courts by the Supreme Court of India to desist from the issue of such Stay orders Calcutta High Court has issue stay order on the implementation of Notification issued by the Director General of Foreign Trade encroaching on the jurisdiction ofthe Anti-Dumping Directorate and CEGAT as reported in the Business Standard rlated 19.05.1999 and 19.12.2001; and

(b) if so, the action taken to ensure that the appeals by the Government against such stay orders are disposed by the Courts on priority basis as even the interim stay orders drag on for years bestowing huge unjustified benefits and distorting Government policies?

Answer

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI) :

(a) and (b) The issuance of stay orders by courts relates to the substantive functions of courts. Even the hearing of appeals against such stay orders falls within the ambit of substantive functions of courts and the government has no role in this. Government can and do avail of judicial processes in courts and pursue matters to expedite disposal of cases in accordance with the law, including challenging any stay granted by any subordinate court.